

EXHIBIT M

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Robert Fischer, Stephanie Lukis,)	
Robert Harper, and Tiffany Adams)	CIVIL ACTION NO: 1:19-cv-04892
individually and on behalf of all others)	
similarly situated,)	JUDGE FEINERMAN
)	
<i>Plaintiffs,</i>)	MAG. WEISMAN
v.)	
)	CLASS ACTION COMPLAINT
Instant Checkmate LLC,)	JURY TRIAL DEMANDED
)	
<i>Defendant.</i>)	

**NOTICE OF DEPOSITION OF
DEFENDANT UNDER RULE 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff will take the deposition upon oral examination of Defendant, Instant Checkmate LLC (“Instant Checkmate”). The deposition will take place at the following date, time, and location:

DATE	TIME	LOCATION
TBD	9:00 a.m.	TBD

The deposition will be taken before a qualified, certified shorthand reporter or other officer authorized by law to administer oaths and will continue on the day noticed and for additional days, if necessary, from day to day, excluding Saturdays, Sundays and holidays, until completed. The deposition, upon oral examination, shall be recorded by videotape, sound and stenographic means,

pursuant to Rule 30(b)(2) of the Federal Rules of Civil Procedure, and will concern topics identified in the attached **Schedule A**.

As required by Rule 30(b)(6) of the Federal Rules of Civil Procedure, Instant Checkmate shall designate one or more officers, directors, managing agents, employees, or other persons who consent to testify on its behalf to the extent of information known or reasonably known to Instant Checkmate or any of its agents concerning the following deposition topics on which examination is requested. At least one of the persons designated to testify as to each topic should have knowledge of the documents referring or relating to the topic and the identity of the persons with knowledge of the topic.

PLEASE TAKE FURTHER NOTICE THAT Instant Checkmate shall provide the name and titles of the designees to Plaintiff at least ten days prior to the deposition and set forth the subject matter for which each person will testify. Each such designee produced to testify has an affirmative duty to have first reviewed all documents, reports, and other matters reasonably known to Instant Checkmate, along with familiarizing themselves with all potential witnesses known or reasonably available to provide informed, binding answers at the deposition.

Respectfully submitted,

/s/ Roberto Luis Costales

BEAUMONT COSTALES LLC

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2021, I served a copy of the foregoing on counsel for Defendant via email.

/s/ Roberto Luis Costales

SCHEDULE A

I. DEFINITIONS

1. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any information which might otherwise be construed to be outside its scope.

2. “Complaint” means the operative First Amended Class Action Complaint in the case styled *Fischer, et al., v. Instant Checkmate, LLC*, Case No. 19-cv-04892 (N.D. Ill.).

3. “Defendant,” “You,” “Your,” or “Instant Checkmate” refers to Instant Checkmate, LLC and any of its present and former divisions, segments, subsidiaries, parents, affiliates, predecessors, successors and assignees; its present and former officers, directors, partners, employees, agents, consultants, accountants, and lawyers; and all other persons who are acting or who have acted on behalf of or who are or have been subject to the direction or control of Instant Checkmate.

4. “Directory” means any repository of information that Instant Checkmate stores PII, I.D.(s), and information on searches using the Website.

5. “Plaintiff Fischer,” “Plaintiff Lukis,” Plaintiff Harper,” and “Plaintiff Adams,” mean Robert Fischer, Stephanie Lukis, Robert Harper, and Tiffany Adams, respectively, the Plaintiffs named in the Complaint. “Plaintiffs” means Plaintiff Fischer, Plaintiff Lukis, Plaintiff Harper, and Plaintiff Adams.

6. “Personal Identity Information” or “PII” means and refers to information concerning an individual that can be used to identify that same individual including, but not limited to, name, address, address history, aliases or “aka” information, past or current cities of residence, phone number, email address, relatives (or possible relatives), associates, age, and/or age range.

7. “Including” means including but not limited to.

8. “Data Provider” means any third party who provides Defendant with PII pursuant to contract.

9. “Home Page” means the webpage found at Instantcheckmate.com.

10. “Free Details Page” means PII available to a user for free on Instant Checkmate.com.

11. “Free Preview” means Instant Checkmate’s initial result set of background reports matching the search criteria for when a user enters a person’s first and/or last name, and/or a city, and/or a state.

12. "I.D." means a unique identifier assigned or associated with an individual. Examples include what is referred to internally at Instant Checkmate as a "TCG I.D." *See* Greene Dep. 54:11-55:7. Another example is what is referred to internally at Instant Checkmate as a "Transunion's I.D." or "TUID." *See* Greene Dep. 53:19-54:4.

13. "Background report search interface" means Instant Checkmate's page where the user enters information prior to initiating a search for the Free Preview.

14. "Directory page" means Instant Checkmate's page where a user can search for the Free Preview using Instant Checkmate's Directory.

15. "Website" means the domain Instantcheckmate.com and any webpages contained therein.

II. RELEVANT TIME PERIOD

Unless otherwise specifically indicated, the Relevant Time Period is from June 21, 2018 through the date of the deposition.

III. EXAMINATION TOPICS

1. How exactly you (Defendant and the testifying representative(s)), your agents, and assistants (excluding defense counsel of record in these proceedings), engaged in and carried out preparations for this Rule 30(b)(6) deposition, including what areas of inquiry you can fully and/or partially address, what documents you reviewed, and full identification of all past and present Defendant employees and/or personnel, and other persons, with whom you communicated, orally and/or in writing, in preparation for this deposition. This topic includes the job title, duties, skills and experience of all people designated to testify on behalf of Defendant pursuant to Rule 30(b)(6).

2. The purpose of and intended use of: (a) the Website and (b) the products and services, both free and paid, available on the Website.

3. The various ways a free or paid user can obtain PII from the Website, your knowledge of the accuracy of the PII displayed on the Website, the categories of PII that the Website displays, the pages on the Website where such PII is displayed, the steps a user can or

could take to access such pages, the cost to users and to You for accessing such pages and/or PII, and any reasons for the order in which PII is displayed (on pages on the Website).

4. During the Relevant Time Period, Plaintiffs' specific PII that the Website had available for display, the pages where such PII is displayed, the steps a user can take to access these pages on the Website, the source or data provider for the specific data on each page, the cost to users for accessing such PII, and (any reasons for) the order in which PII is displayed.

5. How You use an ID to track, categorize, suppress, opt-out, display, update, or otherwise process, sort, move, or manage PII on or for the Website and the means by which you can monitor or record searches done on the Website for a particular ID, the categories of information and PII You associate with each ID, where you store these IDs and categories of information and PII, and the total number of unique ID(s) You have. If You do not associate categories of PII with an ID, this topic also includes the categories of such PII, where such data is stored, and how You use such data.

6. The categories of information You store for free and paid searches using the Website, where you store this information, how you associate records of searches with an individual or an ID, the purpose of storing this information, and the ways that you can use this information.

7. The total number of U.S. adults for whom You have an ID.

8. The specific ID(s) used by You and Your Data Providers for Plaintiffs or PII You associate with Plaintiffs.

9. Your website's use of PII to promote your business and services, including the content of advertisements and references to your paid products and services on your website. This

topic further includes the content of advertisements and references to your paid products and services on Instant Checkmate's webpages where Plaintiffs PII is displayed.

10. All activity by free or paid users of the Website that you track and/or are capable of tracking, including IP address, and all activity that software or computer programs you use track and/or are capable of tracking on the Website. This topic also includes the ways you can access this tracked activity.

11. The steps and processes you do to generate or display PII to a paid or free user of the Website.

12. All processes, mechanisms, and/or procedures for how you obtain written consent from any individual prior to displaying that individual's PII on the Website, and the terms of any such consent.

13. Each process by which PII can be suppressed or opted-out from the Website, including how each process is initiated and executed, and also the maintenance and/or use of any data after it has been suppressed or opted-out. This topic further includes whether you suppressed or opted-out any information associated with Plaintiffs, the specific information you suppressed or opted-out, and the information you preserved prior to suppressing or opting-out, and the reasons you suppressed or opted-out this information.

14. Any and all changes to the Website's Terms of Use that are not reflected in Exhibit 1 of Dkt. 92-2.

15. The specific source(s) from which you obtain a person's cellular phone number(s), email address(es), and relative(s) and what you do to associate each of these with an individual.

16. The identity of all your Data Providers, the specific categories of information and PII obtained from each Data Provider, the cost to you for this information and PII, how you use

the information and PII from your Data Providers on the Website, and the specific sources where your Data Providers obtain PII that they provide to you. This topic also includes how each Data Providers' PII is used in different locations on the Website.

17. The dates and times that the Website displayed Plaintiffs' PII, the pages where it was displayed, and, for each instance, all PII information that the Website displayed. This topic is for any time and is not limited to the Relevant Time Period.

18. The steps You did to generate the background reports for Plaintiffs Lukis and Fischer dated June 9, 2020 and May 11, 2020, respectively. This topic includes all processes available to you to generate an Instant Checkmate background report for Plaintiffs.

19. All meanings, as you understand them, and the attendant obligations resulting from, any agreement or contract you have with a third-party Data Provider and how You comply with such agreements or contracts.